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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,706	06/25/2003	Timothy J. Moulsey	B 034358USA	3387
24737	7590	03/16/2009	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			NGUYEN, TU X	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2618	
MAIL DATE		DELIVERY MODE		
03/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/603,706	<b>Applicant(s)</b> MOULSLEY ET AL.
	<b>Examiner</b> TU X. NGUYEN	<b>Art Unit</b> 2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 29 January 2009.

2a) This action is FINAL.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 17 November 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-166/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_

5) Notice of Informal Patent Application

6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Response to Amendment***

Applicant's arguments filed 1/29/09 have been fully considered but they are not persuasive.

In response to Applicants argue "In one embodiment described by Andersson et al., the power control indicator is a single-flag bit. A first value indicates that the first type of power control adjustment should be used; the second value indicates that the second type of power control adjustment should be used. The power control indicator itself does not include specific details of the first or second type of power control adjustment. Because only the indicator is sent (and not the details), signaling overhead and bandwidth consumption related to frequently sent power control commands are kept to a minimum. The specific details of the first and second power control adjustments are initially stored in to the radio transceiver. Alternatively, a power control indicator may be communicated using techniques other than adding one or more flag bits to a fast transmit power control message to effect a change in power control type as long as signaling overhead is not significantly increased. It is respectfully submitted that neither Takano nor Andersson et al., taken alone or in any proper combination, disclose or suggest at least the newly added limitations to Applicants' independent Claims 1, 2, 3 and 9", the Examiner does not rely on other features teaching (flag bit, type of power control) of Andersson et al., the Examiner relies on Andersson teaching the mobile station is capable adjust power in small step sizes (col.11 lines42-49) and according to a different power control indicator is transmitted from the base station to indicate

that the mobile should using larger step size (col.11 lines 56-60). Andersson et al. cover Takano's deficiency of adjust transmission power with different power step size.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 7-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Takano (US Patent 5924043) in view of Andersson et al. (US Patent 6334047).

Regarding claim 1, Takano discloses a radio communication system comprising a primary station and a plurality of secondary stations, the system having a communication channel between the primary station and a secondary station, one of the primary and secondary stations having means for transmitting power control commands to the other station to instruct it to adjust its output transmission power in steps, wherein the receiving station has combining means for processing a plurality of power control commands to determine whether to adjust its output power (fig.11, 13, col.14 line 25 through col.15 line 22).

Takano discloses step size selector, whoever, Takano fails to disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station and wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station..

Andersson et al. disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station (col.11 lines 24-61). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Takano with the above teaching of Andersson et al. in order to provide a large step size to quickly adjust to the conditions in the blocked region and maintain the connection quality.

Regarding claim 2, Takano discloses a primary station for use in a radio communication system having a communication channel between the primary station and a secondary station, the primary station having means for adjusting its output transmission power in steps in response to power control commands transmitted by the secondary station, wherein combining means are provided for processing a plurality of power control commands to determine whether to adjust its output power (fig.11, 13, col.14 line 25 through col.15 line 22).

Takano discloses step size selector, whoever, Takano fails to disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station and wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station..

Andersson et al. disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station wherein at least one of

the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station (col.11 lines 24-61). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Takano with the above teaching of Andersson et al. in order to provide a large step size to quickly adjust to the conditions in the blocked region and maintain the connection quality.

Regarding claim 3, Takano discloses a secondary station for use in a radio communication system having a communication channel between the secondary station and a primary station, the secondary station having means for adjusting its transmission power in steps in response to power control commands transmitted by the primary station, wherein combining means are provided for processing a plurality of power control commands to determine whether to adjust its output power (fig.11, 13, col.14 line 25 through col.15 line 22).

Takano discloses step size selector, whoever, Takano fails to disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station and wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station..

Andersson et al. disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station (col.11 lines 24-61). Therefore, It would have been obvious to one of ordinary skill in the art at the time

the invention was made to modify the system of Takano with the above teaching of Andersson et al. in order to provide a large step size to quickly adjust to the conditions in the blocked region and maintain the connection quality.

Regarding claims 7 and 13, the modified Takano discloses the combining means are operative in response to commands issued by the primary station to process a group of power control commands together and in that a size of the group is predetermined (Andersson et al., col.10 lines 50-61).

Regarding claims 8 and 14, the modified Takano discloses the power control step size is predetermined (Andersson et al., col.10 lines 50-61).

Regarding claim 9, Takano discloses a method of operating a radio communication system comprising a primary station and a plurality of secondary stations, the system having a communication channel between the primary station and a secondary station, the method comprising the acts of: transmitting power control commands by a transmitting station to a receiving station to instruct it to adjust its power in steps, and processing by the receiving station a plurality of power control commands to determine whether to adjust its output transmission power (fig.11, 13, col.14 line 25 through col.15 line 22).

Takano discloses step size selector, however, Takano fails to disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station and wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station..

Andersson et al. disclose a requested step size includes in the power control commands and a minimum step size implemented by the other station wherein at least one of the plurality of secondary stations includes means for selecting one of a plurality of available power control step sizes in response to commands issued by the primary station (col.11 lines 24-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Takano with the above teaching of Andersson et al. in order to provide a large step size to quickly adjust to the conditions in the blocked region and maintain the connection quality.

Regarding claim 10, the modified Takano discloses the transmitting station instructing the receiving station to use a particular power control step size, and by the receiving station combining power control commands if the required step size is less than the minimum available step size (Andersson et al., col.10 lines 50-61).

Regarding claim 11, the modified Takano discloses the receiving station processing a group of power control commands together, and determining the size of the group depending on the minimum available step size and the required step size (Takano, col.2 lines 24-42).

Regarding claims 12 and 17-20, the modified Takano discloses the size of the group being equal to the ratio between the minimum available step size and the required step size (Takano, fig.12).

Regarding claim 15, the modified Takano discloses the communication channel takes place in frames, and wherein the groups of power control commands have predetermined positions with respect to a start of each frame (Andersson, fig.5).

Regarding claim 16, the modified Takano discloses the size of the group is exactly divisible into the number of power control commands transmitted in a frame (Andersson, col.10 lines 40-50).

#### ***Allowable Subject Matter***

Claims 4-6 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 4, the prior art fails to teach wherein the combining means are operative if the required step size is less than the minimum available step size.

#### **Conclusion**

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tu X Nguyen/

Primary Examiner, Art Unit 2618

3/12/09